

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SONJA M. BOYD,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 09-742
)	
MICHAEL J. ASTRUE,)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	

O R D E R

AND NOW, this 16th day of March, 2010, upon consideration of the parties' cross-motions for summary judgment, the Court, upon review of the Commissioner of Social Security's final decision, denying plaintiff's claim for disability insurance benefits under Subchapter II of the Social Security Act, 42 U.S.C. §401, et seq., finds that the Commissioner's findings are supported by substantial evidence and, accordingly, affirms. See 42 U.S.C. §405(g); Jesurum v. Secretary of U.S. Department of Health & Human Services, 48 F.3d 114, 117 (3d Cir. 1995); Williams v. Sullivan, 970 F.2d 1178, 1182 (3d Cir. 1992), cert. denied sub nom., 507 U.S. 924 (1993); Brown v. Bowen, 845 F.2d 1211, 1213 (3d Cir. 1988). See also Berry v. Sullivan, 738 F. Supp. 942, 944 (W.D. Pa. 1990) (if supported by substantial evidence, the Commissioner's decision must be affirmed, as a federal court may neither reweigh the evidence, nor reverse, merely because it would

have decided the claim differently) (citing Cotter v. Harris, 642 F.2d 700, 705 (3d Cir. 1981)).¹

1

Plaintiff takes issue with the conclusion of the Administrative Law Judge (“ALJ”) that she had the residual functional capacity to engage in work activity widely existing in the local and national economies and was, therefore, not disabled, as defined in the Social Security Act. In particular, she challenges the ALJ’s determinations at steps four and five of the sequential evaluation process. See 20 C.F.R. § 404.1520.

Plaintiff argues that the ALJ failed to properly evaluate the medical evidence or assess her credibility. Plaintiff also argues that the ALJ erred in his analysis of her Residual Functional Capacity (“RFC”).

First, the Court finds that the ALJ gave proper consideration to Plaintiff’s testimony concerning the intensity, persistence and limiting effects of the symptoms of her physical impairments and depression, on which he found Plaintiff to be “not entirely credible.” R. 20; see also 20 C.F.R. § 404.1529. The ALJ reached this conclusion after a careful review of Plaintiff’s medical records, which did not corroborate Plaintiff’s subjective testimony. R. 19-21. The ALJ found substantial evidence in the record that was inconsistent with her subjective complaints, including clinical findings, the level of Plaintiff’s daily activities, and the effectiveness of her pain medication. R. 21.

Second, the Court finds that substantial evidence supports the ALJ’s determination assigning minimal weight to the opinion of Dr. Belhorn that Plaintiff is “totally and permanently disabled.” R. 21, 123. Such opinions are not controlling, as the Commissioner must make his own determination as to whether a claimant is disabled. 20 C.F.R. § 404.1527(e)(1); Adorno v. Shalala, 40 f.3d 43, 47-48 (3c Cir. 1994).

Third, the Court finds no merit in Plaintiff’s argument that the ALJ erroneously concluded that she had the residual functional capacity to engage in a limited range of sedentary work with a sit-stand option. R. 18-19; see also 20 C.F.R. § 404.1567(a) (defining “sedentary work”). In making this determination, the ALJ relied on the medical evidence and added additional limitations that took into account her physical impairments and depression. R. 18-22. As outlined in Social Security Ruling 83-12, the ALJ sought and relied on the opinion of a vocational expert, who took into account Plaintiff’s age, education, work experience, and residual functional capacity. R. 22-23.

Substantial evidence supports the ALJ’s conclusions at steps four and five of the evaluation process, and the decision of the Commissioner is affirmed.

Therefore, IT IS HEREBY ORDERED that plaintiff's Motion for Summary Judgment (document No. 7) is DENIED and defendant's Motion for Summary Judgment (document No. 9) is GRANTED.

s/Alan N. Bloch
United States District Judge

ecf: Counsel of record